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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/682,655  
Filing Date: October 02, 2001  
Appellant(s): SHMULEVICH ET AL.

**MAILED**

**NOV 06 2007**

**Technology Center 2100**

Katharina Wang Schuster  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 01/04/2007 appealing from the Office action mailed 06/14/2006.

**(1) Real Party in Interest**

A statement identifying the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

- a. Richard (US Pub. No. US 2002/0073119 A1)

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Richard (US Pub. No. US 2002/0073119 A1).

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Richard (US Pub. No. US 2002/0073119 A1).

#### **Referring to claim 1,**

Richard teaches a method for generating a plurality of service templates for the conversion of unformatted data to markup language files, comprising:

examining on-display-formatted service data corresponding to a selected service data (Fig. 4, para, [0058], "Embodiments of the present invention allow data from the heterogeneous data sources 410, 420, 430 to be easily modified and reused in different contexts.") corresponding to a selected to be displayed on one or more target devices or classes of devices (para. [0054], "The "Broker" module 330 has access to a repository module 360 adapted to record the most common requests and profiles associated with repository module 360. For example, when information encoded in HTML is

transformed into information encoded in WML, the repository module 360 knows the physical characteristics of the device submitting the request.");

defining in a master style template (para. [0076] "General Structure of an XF Conversion Script: Templates [0077] On the syntactic level, an XF conversion script is a document in markup language that is composed of a list of procedures. Each procedure is applicable to nodes of a document that satisfy a well-defined condition. One example of a condition could be "is a node of the `paragraph` type in the body of the document?". A condition and a procedure associated with that condition are called templates. Examples of templates would be as follows: [0078] Template A: for any node satisfying condition A, do (procedure A). [0079] Template B: for any node satisfying condition B, do (procedure B). [0080] . . . [0081] Template Z: for any node satisfying condition Z, do (procedure Z).") a plurality of blocks of data corresponding to markup languages and presentation capabilities the target devices or classes of devices (para. [0060], "In this example, the converter 440 (or "XGate converter") obtains or collects the heterogeneous data from the data sources 410, 420, 430. The converter 440 then standardizes this heterogeneous data by assembling the necessary information to produce a stream of standardized output data. The stream of standardized output data can be in any of number of markup languages. For example, the stream of standardized output data could be produced in XML language, since the flexibility of XML language makes it possible to define a markup structure that is appropriate in this particular application."); and

creating a plurality of service templates using one or more blocks of data selected from the master style template (para.[0060], "The stream of standardized output data can be in any of number of markup languages.",[0088] "Thus, the XF conversion script is composed of a list of template procedures with each procedure described by the "template" tag. For the conversion to be performed, the procedures are now executed."); and configuring each service template for converting the non-display-formatted service data into markup language data adapted to be displayed on one of the target devices or classes of devices. (para. [0054], "The "Broker" module 330 has access to a repository module 360 adapted to record the most common requests and profiles associated with repository module 360. For example, when information encoded in HTML is transformed into information encoded in WML, the repository module 360 knows the physical characteristics of the device submitting the request." para. [0076]-[0081]. **Examiner's Note:** As stated above, an XF Conversion Script is a master style template which contains "A condition and a procedure associated with that condition are called templates (a plurality of service templates, [0102] An XF conversion script is a series of templates. FIG. 9 shows the first template called in the list of templates that make up the XF conversion script. This template is also known as a "base template", and is called for the "HTML" node of the tree of the input document. In a web page, the "HTML" node is the root node of the document.") Wherein , for example, para.[0060] "The application logic 450 only specifies its needs in XML via a request/result conversion XF script." Thus, XF Conversion Script has a plurality blocks

of data to used to create a plurality of service templates which converts the service data into any markup language data to be displayed on the target devices.)

**Referring to claim 2,**

Richard teaches the method of claim 1 further comprising automatically generating the plurality of service templates. (para. [0049], "According to preferred implementations of the invention, the content of Web sites may be automatically translated using an appropriate script written in the conversion language to "blindly" process a large number of Web sites. These implementations may employ an ECMAScript interpreter, a tier architecture, an SGML parser and dynamic tree-to-tree transformations. The tier architecture is used to control multiple target requests, grouping and organizing responses into markup documents.")

**Referring to claims 3 and 4,**

Richard teaches the method of claim 1 further comprising querying a user for one or more labels corresponding to portions of the service data, and further comprising providing the user with one or more default labels, wherein the default labels comprise the tag names for the corresponding data in the service data. (Fig. 4, tier 4, para.[0060], "In this example, the converter 440 (or "XGate converter") obtains or collects the heterogeneous data from the data sources 410, 420, 430. ")

**Referring to claim 5,**

Richard teaches the method of claim 1 wherein each of the plurality blocks of data provides information for converting a selected portion of the service data into a markup language data adapted to be displayed on a selected device or class of

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devices. (Fig. 4, tier 4, para.[0060], "In this example, the converter 440 (or "XGate converter") obtains or collects the heterogeneous data from the data sources 410, 420, 430.")

**Referring to claim 6,**

Richard teaches the method of claim 1 further comprising querying a user as to whether one or more portions of the service data will be included in the templates. (para.[0060])

**Referring to claims 7 and 9,**

Richard teaches the method of claim 1 wherein the service data comprises XML data., and 1 wherein one of the formats adapted comprises XML (para.[0060], "The stream of standardized output data can be in any of number of markup languages. For example, the stream of standardized output data could be produced in XML language, since the flexibility of XML language makes it possible to define a markup structure that is appropriate in this particular application.").

**Referring to claim 8,**

Richard teaches the method of claim 1 wherein the plurality of blocks of data in the master style template define formats of the service data to be displayed on the target devices or classes of devices; wherein the formats include one or more HTML formats and one or more WML formats. (para.[0066], [0037])

**Referring to claim 10,**

Richard teaches a method comprising:



providing service data in a first format; for at least a portion of the data, examining the service data to identify name-value pairs (Fig. 4, para, [0058], "Embodiments of the present invention allow data from the heterogeneous data sources 410, 420, 430 to be easily modified and reused in different contexts." corresponding to a selected to be displayed on one or more target devices or classes of devices( para. [0054], "The "Broker" module 330 has access to a repository module 360 adapted to record the most common requests and profiles associated with repository module 360. For example, when information encoded in HTML is transformed into information encoded in WML, the repository module 360 knows the physical characteristics of the device submitting the request." Note: name value-value pair is present in the markup language);

providing a master style template containing presentation format information for converting each name-value pair in the service data into a plurality of alternate formats (para. [0076] "General Structure of an XF Conversion Script: Templates [0077] On the syntactic level, an XF conversion script is a document in markup language that is composed of a list of procedures. Each procedure is applicable to nodes of a document that satisfy a well-defined condition. One example of a condition could be "is a node of the `paragraph` type in the body of the document?". A condition and a procedure associated with that condition are called templates. Examples of templates would be as follows: [0078] Template A: for any node satisfying condition A, do (procedure A). [0079] Template B: for any node satisfying condition B, do (procedure B). [0080] . . . [0081] Template Z: for any node satisfying condition Z, do (procedure Z)."), each of which is

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adapted to be displayed on one of a plurality of client devices.", (para. [0060], "In this example, the converter 440 (or "XGate converter") obtains or collects the heterogeneous data from the data sources 410, 420, 430. The converter 440 then standardizes this heterogeneous data by assembling the necessary information to produce a stream of standardized output data. The stream of standardized output data can be in any of number of markup languages. For example, the stream of standardized output data could be produced in XML language, since the flexibility of XML language makes it possible to define a markup structure that is appropriate in this particular application.", para. [0054], "The "Broker" module 330 has access to a repository module 360 adapted to record the most common requests and profiles associated with repository module 360. For example, when information encoded in HTML is transformed into information encoded in WML, the repository module 360 knows the physical characteristics of the device submitting the request.", Note: name value-value pair is present in the markup language);

selecting presentation formats from the master style template based on the identified name-value pairs in the service data (para.[0077]-[0081]); and

constructing a plurality of service templates from the presentation formats selected from the master style template, wherein each service template is configured to convert the portion of the service data into one of the alternate formats. (para.[0038], (para. [0054], "The "Broker" module 330 has access to a repository module 360 adapted to record the most common requests and profiles associated with repository module 360. For example, when information encoded in HTML is transformed into information

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encoded in WML, the repository module 360 knows the physical characteristics of the device submitting the request." para. [0076]-[0081]. **Examiner's Note:** As stated above, an XF Conversion Script is a master style template which contains "A condition and a procedure associated with that condition are called templates (a plurality of service templates, [0102] An XF conversion script is a series of templates. FIG. 9 shows the first template called in the list of templates that make up the XF conversion script. This template is also known as a "base template", and is called for the "HTML" node of the tree of the input document. In a web page, the "HTML" node is the root node of the document.") Wherein , for example, para.[0060] "The application logic 450 only specifies its needs in XML via a request/result conversion XF script." Thus, XF Conversion Script has a plurality blocks of data to used to create a plurality of service templates which converts the service data into any markup language data to be displayed on the target devices.)

**Referring to claims 11, 12 and 13,**

Richard teaches the method of claim 10 further comprising querying a user for a label for each name-value pair in the service data, and wherein querying the user for the label for each name-value pair comprises presenting the user with a default label and querying the user to either accept the default label or provide an alternate label, and wherein the default label comprises an XML tag that forms the name in the name-value pair. (Fig. 4, tier 4, para.[0060], "In this example, the converter 440 (or "XGate converter") obtains or collects the heterogeneous data from the data sources 410, 420, 430.")

**Referring to claim 14,**

Richard teaches the method of claim 10 wherein the master template comprises an XML application. (para.[0036], "For example, the implementations may use HTTP as a transfer protocol, XML as a universal format for structured data, and ECMAScript as a transformation language.")

**Referring to claims 15 and 16,**

Richard teaches the method of claim 10 wherein the plurality of service templates are configured to convert the service data into a plurality of distinct markup language files, and wherein the plurality of distinct markup language files comprise at least one form of HTML and at least one form of WML. (para.[0066], [0037])

**Referring to claim 17,**

Richard teaches the method of claim 10 wherein the first format comprises XML (para.[0060], "The stream of standardized output data can be in any of number of markup languages. For example, the stream of standardized output data could be produced in XML language, since the flexibility of XML language makes it possible to define a markup structure that is appropriate in this particular application.").

**Referring to claim 18,**

Richard teaches the method of claim 10 wherein the first format comprises a native database format. (Fig. 4, element "SQL server", para.[0058])

**Referring to claim 19,**

Claim 19 is a claim to a computer-readable medium containing a plurality of instructions, wherein the instructions are configured to cause a computer to perform the method of claim 1. Therefore claim 19 is rejected for the reasons set forth for claim 1.

**Referring to claim 20,**

Claim 20 is a claim to a computer-readable medium containing a plurality of instructions, wherein the instructions are configured to cause a computer to perform the method of claim 2. Therefore claim 20 is rejected for the reasons set forth for claim 2.

**Referring to claim 21,**

Claim 21 is a claim to a computer-readable medium containing a plurality of instructions, wherein the instructions are configured to cause a computer to perform the method of claims 4 and 6. Therefore claim 21 is rejected for the reasons set forth for claims 4,5 and 6.

**Referring to claim 22,**

Richard teaches a method for generating templates suitable for adapting data to a format, comprising:

analyzing data pertaining to a service to configure a master style template (Fig. 4, para. [0058], "Embodiments of the present invention allow data from the heterogeneous data sources 410, 420, 430 to be easily modified and reused in different contexts.") corresponding to a selected to be displayed on one or more target devices or classes of devices (para. [0054], "The "Broker" module 330 has access to a repository module 360 adapted to record the most common requests and profiles associated with repository module 360. For example, when information encoded in HTML is

transformed into information encoded in WML, the repository module 360 knows the physical characteristics of the device submitting the request."); and

generating a plurality of data conversion templates using presentation formats selected from the master style template, wherein the master style template defines a style for the presentation of the data on a plurality of target devices or classes of device and each data conversion template is configured to adapt the data for display on one of the plurality of target devices or classes of devices (para. [0076] "General Structure of an XF Conversion Script: Templates [0077] On the syntactic level, an XF conversion script is a document in markup language that is composed of a list of procedures. Each procedure is applicable to nodes of a document that satisfy a well-defined condition. One example of a condition could be "is a node of the `paragraph` type in the body of the document?". A condition and a procedure associated with that condition are called templates. Examples of templates would be as follows: [0078] Template A: for any node satisfying condition A, do (procedure A). [0079] Template B: for any node satisfying condition B, do (procedure B). [0080] . . . [0081] Template Z: for any node satisfying condition Z, do (procedure Z)."), each of which is adapted to be displayed on one of a plurality of client devices.", para.[0038], (para. [0054], "The "Broker" module 330 has access to a repository module 360 adapted to record the most common requests and profiles associated with repository module 360. For example, when information encoded in HTML is transformed into information encoded in WML, the repository module 360 knows the physical characteristics of the device submitting the request." para. [0076]-[0081]. **Examiner's Note:** As stated above, an XF Conversion Script is a

master style template which contains "A condition and a procedure associated with that condition are called templates (a plurality of service templates, [0102] An XF conversion script is a series of templates. FIG. 9 shows the first template called in the list of templates that make up the XF conversion script. This template is also known as a "base template", and is called for the "HTML" node of the tree of the input document. In a web page, the "HTML" node is the root node of the document.") Wherein , for example, para.[0060] "The application logic 450 only specifies its needs.in XML via a request/result conversion XF script." Thus, XF Conversion Script has a plurality blocks of data to used to create a plurality of service templates which converts the service data into any markup language data to be displayed on the target devices.)

**Referring to claims 23 and 24,**

Richard teaches the method of claim 22, wherein the master style template comprises a plurality of blocks, each of the plurality of blocks providing information for converting a portion of the data into a markup language file displayable by one of the plurality of target devices or classes of devices, and wherein each data conversion template is generated using one or more blocks selected from the plurality of blocks of the master style template, the selected one or more blocks corresponding to one of the target devices or classes of devices for which the data conversion template is configured to adapt the data (para. [0076] "General Structure of an XF Conversion Script: Templates [0077] On the syntactic level, an XF conversion script is a document in markup language that is composed of a list of procedures. Each procedure is applicable to nodes of a document that satisfy a well-defined condition. One example of

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a condition could be "is a node of the `paragraph` type in the body of the document?". A condition and a procedure associated with that condition are called templates. Examples of templates would be as follows: [0078] Template A: for any node satisfying condition A, do (procedure A). [0079] Template B: for any node satisfying condition B, do (procedure B). [0080] . . . [0081] Template Z: for any node satisfying condition Z, do (procedure Z)."), each of which is adapted to be displayed on one of a plurality of client devices.")

**Referring to claim 25,**

Richard teaches a target-specific data conversion method comprising:

examining service data to be delivered to one or more target devices or classes of devices, wherein said service data is not displayable on said one or more target devices or classes of devices (Fig. 4, para, [0058], "Embodiments of the present invention allow data from the heterogeneous data sources 410, 420, 430 to be easily modified and reused in different contexts." corresponding to a selected to be displayed on one or more target devices or classes of devices (para. [0054], "The "Broker" module 330 has access to a repository module 360 adapted to record the most common requests and profiles associated with repository module 360. For example, when information encoded in HTML is transformed into information encoded in WML, the repository module 360 knows the physical characteristics of the device submitting the request.");

generating a plurality of target-specific data conversion templates using one or more building blocks selected from a master style template', wherein said master style



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template contains a plurality of building blocks corresponding to markup languages and presentation capabilities of a plurality of devices and classes of devices which include said one or more target devices or classes of devices (para. [0076] "General Structure of an XF Conversion Script: Templates [0077] On the syntactic level, an XF conversion script is a document in markup language that is composed of a list of procedures. Each procedure is applicable to nodes of a document that satisfy a well-defined condition. One example of a condition could be "is a node of the 'paragraph' type in the body of the document?". A condition and a procedure associated with that condition are called templates. Examples of templates would be as follows: [0078] Template A: for any node satisfying condition A, do (procedure A). [0079] Template B: for any node satisfying condition B, do (procedure B). [0080] . . . [0081] Template Z: for any node satisfying condition Z, do (procedure Z)."), each of which is adapted to be displayed on one of a plurality of client devices.", (para. [0060], "In this example, the converter 440 (or "XGate converter") obtains or collects the heterogeneous data from the data sources 410, 420, 430. The converter 440 then standardizes this heterogeneous data by assembling the necessary information to produce a stream of standardized output data. The stream of standardized output data can be in any of number of markup languages. For example, the stream of standardized output data could be produced in XML language, since the flexibility of XML language makes it possible to define a markup structure that is appropriate in this particular application.", para. [0054], "The "Broker" module 330 has access to a repository module 360 adapted to record the most common requests and profiles associated with repository module 360. For example, when

information encoded in HTML is transformed into information encoded in WML, the repository module 360 knows the physical characteristics of the device submitting the request."); and

configuring each target-specific data conversion template for converting said service data into a markup language format displayable on a specific target device or

class of devices (para. [0054], "The "Broker" module 330 has access to a repository module 360 adapted to record the most common requests and profiles associated with repository module 360. For example, when information encoded in HTML is transformed into information encoded in WML, the repository module 360 knows the physical characteristics of the device submitting the request." para. [0076]-[0081]. **Examiner's Note:** As stated above, an XF Conversion Script is a master style template which contains "A condition and a procedure associated with that condition are called templates (a plurality of service templates, [0102] An XF conversion script is a series of templates. FIG. 9 shows the first template called in the list of templates that make up the XF conversion script. This template is also known as a "base template", and is called for the "HTML" node of the tree of the input document. In a web page, the "HTML" node is the root node of the document.") Wherein , for example, para.[0060] "The application logic 450 only specifies its needs in XML via a request/result conversion XF script." Thus, XF Conversion Script has a plurality blocks of data to used to create a plurality of service templates which converts the service data into any markup language data to be displayed on the target devices.)

## **(10) Response to Argument**

### **3. Improvements Over the Prior Art**

#### **Appellant's argument:**

"Embodiments of the invention provide a new solution to the creation of new data conversion templates. Specifically, embodiments of the invention as claimed in Claims 1-25 involve the use of a master template from which individual service-specific, device-specific data conversion templates can be generated and then used to convert unformatted data into a format which is suitable for presentation on a corresponding client device. See Specification, para. 37."

#### **Examiner's response:**

Presenting the improvements over the prior art by pointing to specific paragraphs in the specification of the Application do not establish any relevancy to any of the claim limitations since "It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064."

### **4. Examiner's / Appellant's Positions Regarding Novelty of The Invention**

#### **Appellant's argument:**

"The Appellant respectfully submits that Richard does not teach an invention identical to the Appellant's invention, that Richard neither expressly nor inherently describes each and every claim limitation of the Appellant's invention, and that examiner's claim interpretation is not within the context of the Appellant's disclosure."

#### **Examiner's response:**

Claims are to be given their broadest reasonable interpretation during prosecution, and the scope of a claim cannot be narrowed by reading disclosed limitations into the claim. See In re Morris, 127 F.3d 1048, 1054, 44 USPQ2D 1023, 1027 (Fed. Cir. 1997); In re Zletz, 893 F.2d 319, 321, 13 USPQ2D 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404, 162 USPQ 541,550 (CCPA 1969). In addition, the law of anticipation does not require that a reference "teach" what an appellant's disclosure teaches. Assuming that reference is properly "prior art," it is only necessary that the claims "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781,789 (Fed. Cir. 1983).

## **5. Rejections Under 35 U.S.C. 102(e)**

### **5.2 Flaws In The Examiner's Reasoning**

#### **Appellant's argument:**

"The Appellant respectfully submits that the examiner's allegation that Richard's XF Conversion Script is a master style template is flawed for several reasons. Firstly, the master style template is a style template for defining and setting, in blocks of data, presentation formats (font, size, color, position on a page, etc.) that are absent in the unformatted data from the information provider. See Specification, para. 27."

"Secondly, each master style template follows a predetermined style."

"Contrastingly, the XF conversion script of Richard does not follow or define any particular style for any particular client devices. In Richard's four-tier architecture, the XF conversion script has a well-defined responsibility which does not include the physical

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display of the data that it converts. See Richard, FIGURES 4 and 5, supra. It simply processes the data "blindly."

"Finally, the master style template is not used to directly convert unformatted data to a particular markup language. See Specification, para. 40."

**Examiner's response:**

Arguments presented above for presenting "the Flaws In the Examiner's Reasoning" include the statements including terminologies, such as "the master style template is a style template for defining and setting, in blocks of data, presentation formats (font, size, color, position on a page, etc.) that are absent in the unformatted data from the information provider" and "each master style template follows a predetermined style", "the physical display of the data that it converts", and "Finally, the master style template is not used to directly convert unformatted data to a particular markup language." that are absent in the claim limitation.

As such, these arguments do not have any relevancy to claim limitations.

**5.3 Examiner Has Failed To Show Prior Art Teaches An Identical Invention**

**Appellant's argument:**

"The Examiner's rejection did not show an identical invention in as complete detail as is contained in the claims and improperly omitted several terms. For example, although the term "corresponding" is recited twice in Claim 1, the rejection is silent as to the correlation between "non-display-formatted service data" and "a selected service to be displayed on one or more target devices or classes of devices" as well as the correlation between "a plurality of blocks of data" and "markup languages and

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presentation capabilities of the target devices or classes of devices," as recited in Claim 1."

"The Examiner also improperly omitted the term "service" as recited in "examining non-display-formatted service data corresponding to a selected service to be displayed on one or more target devices or classes of devices," "creating a plurality of service templates using one or more blocks of data selected from the master style template," and "configuring each service template for converting the non-display-formatted service data into markup language data adapted to be displayed on one of the target devices or classes of devices." Within the disclosure of the invention, the term "non-display-formatted service data" is used interchangeably with "unformatted data" and refers to XML or similar data that does not contain information relating to the manner in which the data should be formatted for the purposes of presentation. See Specification, para. 34. The non-display-formatted service data may be in one of several forms which are considered not suitable for display on one or more target devices or classes of devices. See Specification, para. 35. Examples of non-display-formatted service data include text separated by delimiters such as commas, spaces, and XML tags."

**Examiner's response:**

Examiner would like to present the broadest reasonable interpretation of claim 1 that the claim itself affords by providing definitions of the terms within the claim as follows:

Claim 1 recites “examining non-display-formatted service data corresponding to a selected service to be displayed on one or more target devices or classes of devices;

Here, the claim clearly states that “data corresponding to a selected service is to be displayed on target device”, and “ a selected service” is to which “the non-display-formatted service data” corresponds.

Further, claim 1 recites “creating a plurality of service templates using one or more blocks of data selected from the master style template;”.

Here, claim defines a “service template” which is created using “one block of data selected from the master style template” wherein “one block of data corresponds to markup languages and presentation capabilities of the target device is defined in the master style template.”

Therefore, “a service template” is “one block of data corresponding to markup languages and presentation capabilities of the target device selected from the master style template.”, and as such each block of a plurality of blocks of data defined in a master template is a “service template.” Essentially, a master template is a collection of service templates.

Further, Claim 1 recites “configuring each service template for converting the non-display-formatted service data into markup language data adapted to be displayed on one of the target devices or classes of devices.”

Here, claim defines:

1) “the non-display-formatted service data” is that which is not adapted to be displayed on one of the target devices;

2) "the non-display-formatted service data" is that which needs to be converted into markup language data adapted to be displayed on one of the target devices, and

3) "the non-display-formatted service data" is that which needs "configuring service template" for converting the non-display-formatted service data into markup language data adapted to be displayed on one of the target devices.

Therefore, as claim defines as shown above, "the non-display-formatted service data" corresponds to " a selected service" which is "to be converted into markup language data adapted to be displayed on one of the target devices" by "configuring a service template" wherein " a service template" is " one block of data corresponding to markup languages and presentation capabilities of the target device "defined in " a master template."

With this clear understanding of the claim limitations in mind , let us look at what Richard teaches as follows:

Richard teaches at Fig. 2, elements "content (XML)" "HTML", which is a the non-display-formatted service data" corresponds to " a selected service" which is "to be converted into markup language data adapted to be displayed on one of the target devices, Fig. 2, elements "portable telephone with WML Browser" as stated in para. [0054], " A generator module 330 (labeled as "Broker") can break down each request into orders intended for a standardization module 335 (labeled as "Normalizer") and a transformation module 350 (labeled as "Transformer"). The "Broker" module 330 has access to a repository module 360 adapted to record the most common requests and



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profiles associated with repository module 360. For example, when information encoded in HTML is transformed into information encoded in WML, the repository module 360 knows the physical characteristics of the device submitting the request. Thus, when a portable telephone attempts to access information on web sites, for instance, the repository module 360 knows the model of a portable telephone and its physical characteristics, such as the dimensions of its display. It is also possible to know the profile of the caller, for example, the site preferences of the caller."

Thus, Richard teaches "examining non-display-formatted service data corresponding to a selected service data corresponding to a selected to be displayed on one or more target devices or classes of devices."

Please also note that Appellant has indicated in the argument "The non-display-formatted service data may be in one of several forms which are considered not suitable for display on one or more target devices or classes of devices."

Richard teaches at para. [0102], "An XF conversion script is a series of templates. FIG. 9 shows the first template called in the list of templates that make up the XF conversion script This template is also known as a "base template" (This is "a master template."). , and is called for the "HTML" node of the tree of the input document. In a web page, the "HTML" node is the root node of the document.

[0103] In the description of this particular conversion, the choice of airport is omitted for simplicity. Nevertheless such information could be included. In this particular conversion, a preliminary analysis of a map of a web site in question led to the following four rules:

[0104] (1) The process should be recursive. Most of the pages of the web site are organized into "frames" that define a rectangular portion constituting a subpart of a display screen of an HTML page. In many second generation web browsers, a HTML page is conceived as a mosaic or collection of frames, also know as a "frameset". Each frame in a frameset has its own HTTP address. To find desired information in a particular frame, the contents of each of the frames must be examined. For any page in which a "FRAMESET" tag is encountered, the request should be redirected by requesting access to the page corresponding to each of the frames making up the frameset. In general, these frames can be created dynamically by CGI-type programs of the site being explored. These frames may be updated periodically. There is nothing preventing the page that is returned from containing another FRAMESET tag. Consequently, the process must be recursive.

[0105] (2) Redirections should loop until a specific page is found in the command. In particular, redirections should loop until a page of a table of schedules is found in the command or a page that offers the choice of departure or arrival schedules is found in the command. The page of the table of schedules is preferred.

[0106] (3) When the system is accessed on the "choice of schedules" page, it proposes this choice on the wireless communicator, waits the response from the user, and then resumes the process by directing the search to the desired departure or arrival schedule.[

[0107] (4) When the page of schedules is finally found, the system converts the table of the web page from HTML format, into an appropriate format to display it on the

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wireless communicator display.", along with , as stated in para. [0054], "The "Broker" module 330 has access to a repository module 360 adapted to record the most common requests and profiles associated with repository module 360. For example, when information encoded in HTML is transformed into information encoded in WML, the repository module 360 knows the physical characteristics of the device submitting the request. Thus, when a portable telephone attempts to access information on web sites, for instance, the repository module 360 knows the model of a portable telephone and its physical characteristics, such as the dimensions of its display. It is also possible to know the profile of the caller, for example, the site preferences of the caller."

**Thus, Richard teaches "configuring a service template" wherein " a service template" is " one block of data corresponding to markup languages and presentation capabilities of the target device "defined in " a master template."**

And thus, Richard teaches, "the non-display-formatted service data" which corresponds to " a selected service" is being "converted into markup language data adapted to be displayed on one of the target devices" by "configuring a service template" wherein " a service template" is " one block of data corresponding to markup languages and presentation capabilities of the target device "defined in " a master template."

And thus, Richard teaches "creating a plurality of service templates using one or more blocks of data selected from the master style template" for multiple requesting devices as shown on Fig. 2.

The Examiner's rejection does show an identical invention in as complete detail as is contained in the claim 1.

#### **5.4 Examiner Has Failed To Interpret Claim Term(s) In The Context of The Invention**

##### **Appellant's argument:**

"An applicant is entitled to be his or her own lexicographer .....in the context of the specification and drawings")"

"Within the disclosure of the invention, the master style template is a style template for defining and Setting presentation formats (font, size,color, position on a page, etc.) that are absent in the unformatted data from an information provider. See Specification, para. 27."

" Such a master style template follows a predetermined style. See Specification, para. 50.

" Finally, the master style template is not used to directly convert unformatted data to a particular markup language. Id."

##### **Examiner's response:**

Arguments presented include the statements including terminologies, such as "the master style template is a style template for defining and setting, in blocks of data, presentation formats (font, size, color, position on a page, etc.) that are absent in the unformatted data from the information provider" and "each master style template follows a predetermined style", "the physical display of the data that it converts", and "Finally,

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the master style template is not used to directly convert unformatted data to a particular markup language." that are absent in the claim limitation.

As such, these arguments do not have any relevancy to claim limitations.

Also, Claims are to be given their broadest reasonable interpretation during prosecution, and the scope of a claim cannot be narrowed by reading disclosed limitations into the claim. See In re Morris, 127 F.3d 1048, 1054, 44 USPQ2D 1023, 1027 (Fed. Cir. 1997); In re Zletz, 893 F.2d 319, 321, 13 USPQ2D 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404, 162 USPQ 541,550 (CCPA 1969).

In addition, the law of anticipation does not require that a reference "teach" what an appellant's disclosure teaches. Assuming that reference is properly "prior art," it is only necessary that the claims "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781,789 (Fed. Cir. 1983).

It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064."

**Appellant's argument:**

"The XF conversion script of Richard already contains a list of templates, none of which appears to be used in the creation of additional, target-specific data conversion templates. Richard's XF conversion script is clearly and completely different from and thus does not anticipate the claimed term "master style template."

**Examiner's response:**

Richard teaches at para. [0102], "An XF conversion script is a series of templates. FIG. 9 shows the first template called in the list of templates that make up the XF conversion script This template is also known as a "base template" **(This is "a master template.")**. , and is called for the "HTML" node of the tree of the input document. In a web page, the "HTML" node is the root node of the document.

[0103] In the description of this particular conversion, the choice of airport is omitted for simplicity. Nevertheless such information could be included. In this particular conversion, a preliminary analysis of a map of a web site in question led to the following four rules:

[0104] (1) The process should be recursive. Most of the pages of the web site are organized into "frames" that define a rectangular portion constituting a subpart of a display screen of an HTML page. In many second generation web browsers, a HTML page is conceived as a mosaic or collection of frames, also know as a "frameset". Each frame in a frameset has its own HTTP address. To find desired information in a particular frame, the contents of each of the frames must be examined. For any page in which a "FRAMESET" tag is encountered, the request should be redirected by requesting access to the page corresponding to each of the frames making up the frameset. In general, these frames can be created dynamically by CGI-type programs of the site being explored. These frames may be updated periodically. There is nothing preventing the page that is returned from containing another FRAMESET tag. Consequently, the process must be recursive.

[0105] (2) Redirections should loop until a specific page is found in the command. In particular, redirections should loop until a page of a table of schedules is found in the command or a page that offers the choice of departure or arrival schedules is found in the command. The page of the table of schedules is preferred.

[0106] (3) When the system is accessed on the "choice of schedules" page, it proposes this choice on the wireless communicator, waits the response from the user, and then resumes the process by directing the search to the desired departure or arrival schedule.

[0107] (4) When the page of schedules is finally found, the system converts the table of the web page from HTML format, into an appropriate format to display it on the wireless communicator display.", along with , as stated in para. [0054], "The "Broker" module 330 has access to a repository module 360 adapted to record the most common requests and profiles associated with repository module 360. For example, when information encoded in HTML is transformed into information encoded in WML, the repository module 360 knows the physical characteristics of the device submitting the request. Thus, when a portable telephone attempts to access information on web sites, for instance, the repository module 360 knows the model of a portable telephone and its physical characteristics, such as the dimensions of its display. It is also possible to know the profile of the caller, for example, the site preferences of the caller."

Thus, Richard teaches "configuring a service template" wherein " a service template" is " one block of data corresponding to markup languages and presentation capabilities of the target device "defined in " a master template.")

Thus, Richard teaches "creating a plurality of service templates using one or more blocks of data selected from the master style template" for multiple requesting devices as shown on Fig. 2.

### **5.5 Examiner Has Failed To Make A Prima Facie Case Of Anticipation Under 35**

#### **U.S.C. §102**

##### **Appellant's argument:**

"Richard neither expressly nor inherently describes generating a second kind of templates (i.e., data conversion templates) using style information (i.e., presentation formats) selected from a first kind of template (i.e., the master style template)."

##### **Examiner's response:**

Richard teaches at para. [0102], "An XF conversion script is a series of templates. FIG. 9 shows the first template called in the list of templates that make up the XF conversion script. This template is also known as a "base template" (This is "a master template."). , and is called for the "HTML" node of the tree of the input document. In a web page, the "HTML" node is the root node of the document.

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[0106] (3) When the system is accessed on the "choice of schedules" page, it proposes this choice on the wireless communicator, waits the response from the user, and then resumes the process by directing the search to the desired departure or arrival schedule.

[0107] (4) When the page of schedules is finally found, the system converts the table of the web page from HTML format, into an appropriate format to display it on the wireless communicator display.", along with , as stated in para. [0054], "The "Broker" module 330 has access to a repository module 360 adapted to record the most common requests and profiles associated with repository module 360. For example, when

information encoded in HTML is transformed into information encoded in WML, the repository module 360 knows the physical characteristics of the device submitting the request. Thus, when a portable telephone attempts to access information on web sites, for instance, the repository module 360 knows the model of a portable telephone and its physical characteristics, such as the dimensions of its display. It is also possible to know the profile of the caller, for example, the site preferences of the caller."

**Thus Richard teaches "configuring a service template" wherein " a service template" is " one block of data corresponding to markup languages and presentation capabilities of the target device "defined in " a master template."**

Thus, Richard teaches "creating a plurality of service templates using one or more blocks of data selected from the master style template" for multiple requesting devices as shown on Fig. 2.

Thus, Richard does describe generating a second kind of templates (i.e., data conversion templates) using style information (i.e., presentation formats) selected from a first kind of template (i.e., the master style template).

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



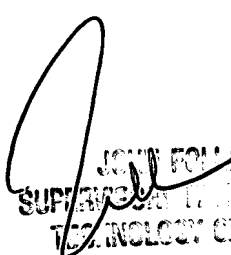
Ashok B. Patel  
Examiner  
Art Unit 2154



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SUPERVISORY PATENT EXAMINER

May 1, 2007,

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